

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

**IN RE:**

**TOMAS M. DUEÑO ESPADA  
MERCEDES E. LUGO RODRIGUEZ**

**DEBTOR (S)**

**CASE NO.: 16-00470-ESL**

**CHAPTER 13**

**MOTION AMENDING PLAN**

**TO THE HONORABLE COURT:**

**COMES NOW** debtor through the undersigned attorney and very respectfully states and prays as follows:

- 1) That the Chapter 13 Plan needs to be amended to add line 4 in other provisions.
- 2) That the Chapter 13 Plan is hereby amended and filed.

**WHEREFORE** debtor very respectfully prays from the Court that the amended Chapter 13 Plan be allowed, and confirm if the Trustee so recommends.

**NOTICE TO CREDITORS AND PARTIES IN INTEREST**

Notice is hereby given that a Motion Amending Plan has been filed by Debtor.

Within FOURTEEN (14) days after service as evidenced by the certification, and an additional three (3) days pursuant Fed. R. Bank P. (9006) (f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief or remedy sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the objection will be deemed unopposed and may be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the Court, the interest of justice requires otherwise. If you file a timely response, the court may-in its discretion-schedule a hearing.

I HEREBY CERTIFY that on the same date of this Notice a copy of the mentioned MOTION was filed by regular electronic means with the Court who provide Notice to all creditors installed in the CM/ECFM System and by regular mail to all creditors listed in the master list address that are not in the electronic register of the Court.

In Carolina Puerto Rico this April 4, 2016.

MORENO & SOLTERO, LLC  
/s/ ROSANA MORENO RODRIGUEZ  
ATTORNEY FOR DEBTOR  
USDC #221903  
P.O. BOX 679  
TRUJILLO ALTO, PR 00977  
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United States Bankruptcy Court  
District of Puerto Rico, San Juan Division

IN RE:

Case No. 16-00470 ESL

DUEÑO ESPADA, TOMAS M. & LUGO RODRIGUEZ, MERCEDES E.

Chapter 13

Debtor(s)

CHAPTER 13 PAYMENT PLAN

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee ☐ directly ☐ by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.

PLAN DATED: <u>                    </u> <input checked="" type="checkbox"/> AMENDED PLAN DATED: <u>4-4-16</u>																															
Filed by: <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> Trustee <input type="checkbox"/> Other																															
<p><b>I. PAYMENT PLAN SCHEDULE</b></p> <table><tr><td>\$</td><td>1,600.00</td><td>x</td><td>12</td><td>= \$</td><td>19,200.00</td></tr><tr><td>\$</td><td>5,400.00</td><td>x</td><td>48</td><td>= \$</td><td>259,200.00</td></tr><tr><td>\$</td><td></td><td>x</td><td></td><td>= \$</td><td></td></tr><tr><td>\$</td><td></td><td>x</td><td></td><td>= \$</td><td></td></tr><tr><td>\$</td><td></td><td>x</td><td></td><td>= \$</td><td></td></tr></table> <p style="text-align:right">TOTAL: \$ <u>278,400.00</u></p> <p>Additional Payments: \$ <u>300,000.00</u> to be paid as a LUMP SUM within <u>24 months</u> with proceeds to come from: <u>FROM THE FILING DATE OF THE PETITION.</u></p> <p><input type="checkbox"/> Sale of Property identified as follows:</p> <p><input checked="" type="checkbox"/> Other:</p> <p><b>FINANCING OF INHERITANCE PROPERTY</b></p> <p>Periodic Payments to be made other than, and in addition to the above: \$ <u>                    </u> x <u>                    </u> = \$ <u>                    </u></p> <p>PROPOSED BASE: \$ <u>578,400.00</u></p> <p><b>III. ATTORNEY'S FEES</b> (Treated as § 507 Priorities)</p> <p>Outstanding balance as per Rule 2016(b) Fee Disclosure Statement: \$ <u>136.00</u></p> <p>Signed: <u>/s/ TOMAS M. DUEÑO ESPADA</u> Debtor</p> <p><u>/s/ MERCEDES E. LUGO RODRIGUEZ</u> Joint Debtor</p>	\$	1,600.00	x	12	= \$	19,200.00	\$	5,400.00	x	48	= \$	259,200.00	\$		x		= \$		\$		x		= \$		\$		x		= \$		<p><b>II. DISBURSEMENT SCHEDULE</b></p> <p>A. ADEQUATE PROTECTION PAYMENTS OR <u>\$ 857.49</u></p> <p>B. SECURED CLAIMS: <u>SEE OTHER PROVISIONS</u></p> <p><input type="checkbox"/> Debtor represents no secured claims. <input checked="" type="checkbox"/> Creditors having secured claims will retain their liens and shall be paid as follows:</p> <ol style="list-style-type: none"><li>1. <input checked="" type="checkbox"/> Trustee pays secured ARREARS: Cr. <u>FIRST BANK DE PR</u> Cr. <u>                    </u> Cr. <u>                    </u> # <u>000025076</u> # <u>                    </u> # <u>                    </u> \$ <u>28,000.00</u> \$ <u>                    </u> \$ <u>                    </u></li><li>2. <input checked="" type="checkbox"/> Trustee pays IN FULL Secured Claims: Cr. <u>BANCO POPULAR D</u> Cr. <u>BAUTISTA CAYMAN</u> Cr. <u>See Attached</u> # <u>70009467</u> # <u>7863</u> # <u>                    </u> \$ <u>71,331.64</u> \$ <u>108,540.79</u> \$ <u>                    </u></li><li>3. <u>+ 6.75% INT.</u> <u>+ 4.25% INT.</u> Cr. <u>                    </u> Cr. <u>                    </u> Cr. <u>                    </u> # <u>                    </u> # <u>                    </u> # <u>                    </u> \$ <u>                    </u> \$ <u>                    </u> \$ <u>                    </u></li><li>4. <input type="checkbox"/> Debtor SURRENDERS COLLATERAL to Lien Holder:</li><li>5. <input type="checkbox"/> Other:</li><li>6. <input checked="" type="checkbox"/> Debtor otherwise maintains regular payments directly to: <u>FIRST BANK DE PR</u></li></ol> <p>C. PRIORITIES: The Trustee shall pay priorities in accordance with the law. 11 U.S.C. § 507 and § 1322(a)(2)</p> <p>D. UNSECURED CLAIMS: Plan <input type="checkbox"/> Classifies <input checked="" type="checkbox"/> Does not Classify Claims.</p> <ol style="list-style-type: none"><li>1. (a) Class A: <input type="checkbox"/> Co-debtor Claims / <input type="checkbox"/> Other: <u>                    </u> <input type="checkbox"/> Paid 100% / <input type="checkbox"/> Other: <u>                    </u> Cr. <u>                    </u> Cr. <u>                    </u> Cr. <u>                    </u> # <u>                    </u> # <u>                    </u> # <u>                    </u> \$ <u>                    </u> \$ <u>                    </u> \$ <u>                    </u></li><li>2. Unsecured Claims otherwise receive <u>100 + 4.25%</u> disbursements.</li></ol> <p>OTHER PROVISIONS: (Executory contracts; payment of interest to unsecureds, etc.) <b>See Continuation Sheet</b></p>
\$	1,600.00	x	12	= \$	19,200.00																										
\$	5,400.00	x	48	= \$	259,200.00																										
\$		x		= \$																											
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Attorney for Debtor **Moreno & Soltero Law Offices, LLC**

Phone: 787-758-8160

IN RE DUEÑO ESPADA, TOMAS M. & LUGO RODRIGUEZ, MERCEDES E.

Case No. 16-00470

Debtor(s)

**CHAPTER 13 PAYMENT PLAN**

Continuation Sheet - Page 1 of 2

	Cr	#	\$
Trustee pays IN FULL Secured Claims:	CRIM	087084765-13-001	1,537.78
	CRIM	11500700220000	11,912.13
	IRS	6032	14,976.77
	RUSHMORE LOAN M	8000004459	112,022.00
Executory Contracts - Assumed:	ALEXANDRA VEGA		
	ALFONSO REYES		
	ARAMIS BAEZ		
	CONTRERAS		
	Claudio Mendez		
	DEBORAH SANTIAGO		
	EZEQUIEL SANCHEZ		
	MARGARET DUENO		
	PABLO QUINONES		
	WILDA GARRASTEGUI		
	YAMILKA RAMOS		

IN RE DUEÑO ESPADA, TOMAS M. & LUGO RODRIGUEZ, MERCEDES E.

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Debtor(s)

**CHAPTER 13 PAYMENT PLAN**

Continuation Sheet - Page 2 of 2

1) ATTORNEY'S FEES TO BE PAID AHEAD.

2) ANY POST-PETITION INCOME FROM TAX RETURNS THAT THE DEBTOR/S BE ENTITLED TO RECEIVE DURING THE TERM OF THE PLAN WILL BE USED TO FUND THE PLAN IN ADDITION TO THE OFFERED BASE.

AFTER THE CONFIRMATION AND WITHOUT FURTHER NOTICE, HEARING OR COURT ORDER, THE PLAN SHALL BE DEEMED MODIFIED IN SUCH INCREASE OF THE BASE AS THE AMOUNT OF THE TAX RETURN RECEIVED BY THE TRUSTEE.

THE AMOUNT THAT THE DEBTOR/S IS/ARE COMMITTING FROM HIS/HER/THEIR TAX RETURNS WOULD BE THE AMOUNT THAT THE COURT DETERMINES THAT WOULD NOT BE NECESSARY TO THE LIFE OR WELL BEING OF HIS/HER/THEIR DEPENDENTS.

THE DEBTOR/S WOULD AT EVERY OCCASION OR OCCURRENCE REQUEST THE COURT TO AUTHORIZE USE OF ANY AMOUNT OF TAX REFUND THAT NOT OFFERED TO THE PLAN AFTER JUSTIFYING ANY NECESSARY EXPENSE THAT WOULD ENTER AND AFFECT THE CONCEPT OF DISPOSABLE INCOME THAT IS THE BASE OF THE TAX REFUNDS.

3) DEBTOR HEREBY ESTIMATES ARREARS FOR MORTGAGE ARREARS, AND OTHER SECURED ARREARS, AND DEBTS TO BE PAID IN FULL. DEBTOR RECOGNIZES THAT ARREARS OR OTHER DEBTS TO BE PAID IN FULL AS SECURED SHALL BE PAID BY THE TRUSTEE BASED ON CLAIMS.

4) ANY AVAILABLE FUNDS AFTER PAYMENT OF THE ADEQUATE PROTECTIO OF \$857.49, TRUSTEE'S FEES AND ATTORNEY'S FEES SHALL BE DISTRIBUTED AMONGST THE OTHER SECURED CREDITORS. FAILURE TO COMPLY WITH THESE TERMS SHALL RESULT IN THE IMMEDIATE RELIEF OF THE AUTOMATIC STAY IN FAVOR OF BAUTISTA CAYMAN.

ADVANCE COLLECTION SERVICES, INC.  
PO BOX 364607  
SAN JUAN, PR 00936-4607

ATT  
ONE AT&T WAY, ROOM 3A104  
BEDMINSTER, NJ 07921

BANCO POPULAR DE PR  
PO BOX 70100 CARD PRODUCTS DIVISION  
SAN JUAN, PR 00936

BANCO POPULAR DE PR  
MORTGAGE SERVICING DEPARTMENT  
PO BOX 362708  
SAN JUAN, PR 00936-2708

BANCO POPULAR DE PUERTO RICO  
PO BOX 366818 BANKRUPTCY DEPARTMENT  
SAN JUAN, PR 00936-6818

BAUTISTA CAYMAN ASSET COMPANY  
CAPITAL CROSSING PUERTO RICO LLC  
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HATO REY, PR 00918

CICA COLLECTION AGENCY, INC.  
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PO BOX 195389 ATTORNEY OF DORAL BANK  
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NW MANAGEMENT GROUP INC  
URB EL CEREZAL CALLE PARANA #1650  
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POPULAR AUTO  
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SAN JUAN, PR 00936-6818

PR ACQUISITIONS, LLC  
PO BOX 194499  
SAN JUAN, PR 00919-4499



RUSHMORE LOAN MANAGEMENT SERVICES  
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SAN JUAN, PR 00922

TOYOTA CREDIT DE PR  
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